

The Honorable James L. Robart

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VIVENDI S.A., and VIVENDI  
HOLDING I CORP., as the Assignee  
of a U.S. Elektrim Bondholder,

Plaintiff,

vs.

T-MOBILE USA, INC., T-MOBILE  
DEUTSCHLAND GMBH, T-MOBILE  
INTERNATIONAL AG, DEUTSCHE  
TELEKOM AG, AND ZYGMUNT  
SOLORZ-ZAK,

Defendant.

) Case No. CV06-1524 JLR

) **DEFENDANT ZYGMUNT SOLORZ-**  
) **ZAK'S UNOPPOSED MOTION FOR**  
) **LEAVE TO FILE OVERLENGTH**  
) **BRIEF**

) **Note For Motion Calendar:**  
) *Tuesday, November 6, 2007*

**MOTION**

Pursuant to Local Civil Rule 7(f)(1), Defendant Zygmunt Solorz-Zak ("Mr. Solorz") seeks permission to file an overlength motion to dismiss and supporting memorandum of 36 pages. Plaintiffs' counsel do not oppose this request.

**MEMORANDUM OF POINTS AND AUTHORITIES**

The relief requested by this Motion is consistent with the relief granted by the Court by Minute Order dated April 13, 2007 (a copy of which is attached hereto

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as Exhibit A) in response to co-defendants Deutsche Telekom AG (“DT”), T-Mobile International AG (“T-Mobile International”), T-Mobile Deutschland GmbH (“TMD”), and T-Mobile USA, Inc.’s (“T-Mobile USA”) (collectively, the “DT Defendants”) April 13, 2007 Unopposed Motion for Leave to File Overlength Motion.

## I. BACKGROUND

Plaintiffs Vivendi S.A. (“Vivendi”) and Vivendi Holding I Corp.’s (“VH1”) (collectively, “Plaintiffs”) 65-page Third Amended Complaint (“TAC”) is an offshoot of dozens of legal proceedings that have been, or presently are, pending in various tribunals in Europe, the first of which was filed in 1999. In their TAC, Plaintiffs allege that the DT Defendants conspired with Mr. Solorz to “take over” one of the “largest wireless telephone company in eastern Europe,” and operated two “enterprises” through a pattern of racketeering, in violation of the Racketeer Influenced and Corrupt Organizations provisions of the Organized Crime Control Act of 1970 (“RICO”). (*See, e.g.*, TAC, ¶¶1, 2, 4, 5, 7, 14, 16, 17, 21, 26, 49, 129-134, 137, 139, 144.) Plaintiffs seek treble damages in the amount of \$7.5 billion, as well as equitable relief, interest, costs and attorneys’ fees. (*See id.* ¶¶2, 15, Prayer for Relief.)

Pursuant to a stipulated schedule, which the Court approved in its November 5, 2007 Order, Mr. Solorz will file a motion to dismiss the TAC on November 9, 2007. The motion to dismiss will argue that the Court should dismiss Plaintiffs’ TAC on five separate grounds: *forum non conveniens*, lack of personal jurisdiction, lack of standing, lack of subject matter jurisdiction, and failure to state a claim under RICO or under common law fraud.

## II. ARGUMENT

Mr. Solorz has consolidated five separate dispositive motions into a single 36-

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page brief, consistent with this Court's April 13, 2007 Minute Order that allows the DT Defendants and Plaintiffs to file opening and opposition briefs no longer than 36 pages. Recognizing that this Court's resources are limited, Mr. Solorz believes that it will facilitate the Court's consideration of these five separate grounds for dismissal if he is given the opportunity to provide an overview of the substantial factual and legal background of this case and to demonstrate how they apply to the five independent bases upon which Mr. Solorz's motion to dismiss is based.

Accordingly, Mr. Solorz respectfully requests that the Court grant him leave to file an overlength motion to dismiss and supporting memorandum of 36 pages.

RESPECTFULLY SUBMITTED this 6th day of November, 2007.

/s/ Robert J. Bocko  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date given below, I electronically filed the foregoing Defendant Zygmunt Solorz-Zak's Unopposed Motion for Leave to File Overlength Brief with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following persons:

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DATED this 6th November, 2007, at Seattle, Washington.



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